

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT CINCINNATI

Brian Prichard,
Petitioner

-vs-

Case No. 1:00-cv-301

Harry K. Russell, Warden,
Respondent

JUDGMENT

Jury Verdict. This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

X **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that:

Petitioner's objections to Magistrate Judge Hogan's order denying an evidentiary hearing and his objections to the Report & Recommendation are **DENIED**. Petitioner's motion for an evidentiary hearing is **DENIED**. Petitioner's petition for a writ of habeas corpus is **DENIED**.

The Court will not issue a certificate of appealability because petitioner has failed to make a substantial showing of the denial of a constitutional right that is remediable in this proceeding. See 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b). The Court **CERTIFIES**, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal of this Order would not be taken in good faith and, therefore, **DENIES** any request by Petitioner to proceed *in forma pauperis* on appeal. See Fed. R. App. P. 24(a);

Date: February 10, 2004

James Bonini, Clerk

By: s/Mary C. Brown
Mary C. Brown, Deputy Clerk